

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

IN OPPOSITION TO L.D. 257

**“An Act to Allow a Person to Take a 20-Minute Break from Monitoring
Ice Fishing Lines”**

SPONSORED BY: Senator DAVIS of Piscataquis. (BY REQUEST)

CO-SPONSORED BY: Representative BLACK of Wilton and Senators: BURNS of Washington, SAVIELLO of Franklin, Representatives: CRAFTS of Lisbon, MARTIN of Sinclair, PICCHIOTTI of Fairfield, WALLACE of Dexter.

DATE OF HEARING: Thursday, April 23, 2015

Good afternoon Senator Davis, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Colonel Joel Wilkinson of the Maine Warden Service, representing the Maine Department of Inland Fisheries and Wildlife, speaking in opposition to **L.D. 257**.

Under current law an angler must have his/her ice fishing lines under that person's immediate supervision. A violation of this provision is a civil violation for which a fine, of not less than \$100, nor more than \$500, may be adjudged. Failing to supervise your lines is the equivalent to fishing with a set line, which is defined in Title 12, Section 10001. Hooking mortality is a major concern for the Department of Inland Fisheries and Wildlife Sport Fish Program. This proposal will extend the time from when a fish is hooked to when it is released increasing the likelihood of hooking mortality. The additional tend time allows for deeper ingestion of the hook and increased physical stress to the fish due to expenditure of energy once hooked. Even if the fish is released by the angler this often results in the fish being unable to recover, causing immediate or delayed mortality. This type of mortality is often unobserved by the angler who thinks the fish was released unharmed. Any additional mortality will impact angling success on waters where the Department manages stocked or wild sport fish populations. The proposed change to the existing law has the ability to negatively impact a broad range of fish species and lake-specific management programs by exposing fish to harsh environmental conditions and stress associated with releasing deeply hooked fish. This proposal will ultimately result in fewer fish for the angling public.

A review of the violations from the previous five years for unattended ice fishing lines shows a low of 25 violations and a high of 40 violations, averaging out to 33 violations per a year. When you look at the average of 33 violations per year in relation to the 2013

Southwick Associates Fishing in Maine report which indicates Maine averages 68,475 ice fishing anglers, a mere .0004% of the angling public is affected by this issue.

The bill, as written, would complicate the ability to address the biological concerns of set lines. It would effectively eliminate the ability of a game warden to enforce this regulation, and potentially put other anglers in violation of fishing with more lines than allowed. Ice fishing parties run from 2 anglers up to as many as 10 in some cases. That range would be 10 traps to 50 traps on a general regulation water. If any combination of anglers leaves their traps for up to the 20-minute period in a 2-hour time period, or potentially a straight 40-minute block in a 4-hour period, how would a game warden be able to determine when each angler started and stopped? What is the warden to do when there are 25 traps in the water but only 3 people are present? Are there now 3 anglers fishing 10 additional lines over the 5-trap limit? This would effectively eliminate the ability to enforce both the concerns for set lines, and the legal trap limit. It would be far too complicated and lead to confusion among anglers. The bill, as written, would also lead to more challenging enforcement interactions between anglers and game wardens.

The State has the burden of proof to establish when an angler fails to supervise their lines and leaves them unattended. Enforcement staff and anglers need to use a reasonableness standard. Based on the statistics, I am confident this is occurring. Further regulation could cause confusion among anglers who know and expect to tend to their lines, while making the already difficult job of enforcing the trap restriction and set line issue almost impossible.

Thank you for your time, I would be happy to take questions at this time or during the work session.